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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,481	12/22/2003	Carlos M. Esquivia-Lee	CE11068JI220	7771

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MOTOROLA, INC  
INTELLECTUAL PROPERTY SECTION  
LAW DEPT  
8000 WEST SUNRISE BLVD  
FT LAUDERDAL, FL 33322

EXAMINER
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DABNEY, PHYLESHA LARVINIA

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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09/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary  
for Applications  
Under Accelerated Examination**

Application No.

10/743,481

Applicant(s)

ESQUIVIA-LEE ET AL.

Examiner

Phylesha L. Dabney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Since this application has been granted special status under the accelerated examination program,  
NO extensions of time under 37 CFR 1.136(a) will be permitted and a SHORTENED STATUTORY PERIOD FOR  
REPLY IS SET TO EXPIRE:

ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,  
FROM THE MAILING DATE OF THIS COMMUNICATION – if this is a non-final action or a Quayle action.  
(Examiner: For FINAL actions, please use PTOL-326.)

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.  
2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 3) ☒ Claim(s) 1-8, 10-23 is/are pending in the application.  
3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
4) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
5) ☒ Claim(s) 1-8 and 10-23 is/are rejected.  
6) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
7) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 8) ☐ The specification is objected to by the Examiner.  
9) ☒ The drawing(s) filed on 3/26/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 11) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been entered.

This action is in response to the amendment received on 30 August 2007 in which claims 1-8, 10-23 are pending.

### ***Claim Objections***

Claims 19-23 are objected to because of the following informalities: misspelled word "bezel." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-6, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Holmberg (U.S. Patent No. 6,631,191).

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Regarding claim 1, Holmberg teaches an electronic communication device (fig. 1), comprising: a housing portion (1, 2, 13) for the device including a window opening (fig. 1) for a display screen; opposite outer and inner surfaces of the housing portion, wherein the outer surface includes a plurality of through openings (4, 10) for receipt of keys of a keypad for the device projecting therethrough; and at least one audio channel (7) formed along the inner surface of the housing portion allowing the outer surface to be maximized in size for receipt of graphics thereon that includes the plurality through openings (4, 10).

Regarding claim 2, Holmberg teaches the device of claim 1 wherein the outer surface includes surface portions (fig. 1, 13) on opposite sides of the window on which graphics can be received.

Regarding claims 5-6, Holmberg teaches the device of claim 1 wherein the at least one audio channel (7) comprises multiple audio channels, and an audio cover member (col. 3 lines 22-25, alternate embodiments figs. 2-7) mounted to the inner surface of the housing portion and cooperating therewith to form the audio channels.

Regarding claim 9, Holmberg teaches the device of claim 1 wherein the housing portion (1, 2, 13) includes a plurality of through openings (fig. 1) for receipt of keys of a keypad for the device projecting therethrough.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 7-8, and 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmberg in view of Fuhrmann (U.S. Patent No. 6,978,123).

Regarding claims 3-4, Holmberg fails to teach the device of claim 1 including a lens member. Fuhrmann teaches the device including a lens member sized to be slightly larger than the window to be mounted thereover for protecting the display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a lens in the invention of Holmberg as taught by Fuhrmann for the reason stated.

Regarding claims 7-8, Holmberg fails to teach the specifics of the device of claim 5 such that the housing portion and audio cover member include snap fit structure therebetween for cooperating to secure the audio cover member to the housing portion.

Fuhrmann teaches the device including a housing portion (14) and audio cover member (2, 3, 10), wherein the 2 pieces include snap fit structure (11, 12, 12') therebetween for cooperating to secure the audio cover member to the housing portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the housing of Holmberg in the manner as taught by Fuhrmann for securing the two pieces and prevention internal components from being dislodged.

Regarding claim 12, see the rejection of claims 7-8.

Regarding claims 13-18, see the rejection of claims 1 and 3-6.

Regarding claim 19, Holmberg teaches an electronic communication device comprising: a housing portion (1, 2, 13) for the device including a window opening (fig. 1) for a display screen; external and internal surfaces of the housing portion, wherein the external surface (fig. 1)

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includes the window opening for the display screen; and an audio cover member (col. 3 lines 22-25, alternate embodiments figs. 2-7) having audio channels (7) for being attached to the internal surface of the housing portion to keep the external surface substantially free of audio channels and to allow the housing portion to stay substantially the same and have different audio channeling based on the audio channels included on the cover member attached thereto that includes the window opening.

Holmberg fails to teach an electronic communication device having any particular housing shape including beveled (bezeled).

Fuhrmann teaches an electronic communication device (fig. 1) having a beveled housing for alternate aesthetic appeal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the housing portion of Holmberg in the manner as taught Fuhrmann for the reason above.

Regarding claim 20, the combination of Holmberg and Fuhrmann teaches the electronic communication device of claim 19 including a lens member (15, Fuhrmann) having a predetermined size that is kept to a minimum to fit over the window opening for covering the display screen (9).

Regarding claim 21, the combination of Holmberg and Fuhrmann teaches the electronic communication device of claim 19 including a lens member (15, Fuhrmann) fixed to the external surface of the bezel housing portion to cover the display screen (fig. 1) with the audio channels (7) formed independent of the lens member.

Regarding claim 22, the combination Holmberg and Fuhrmann teaches the electronic communication device of claim 19 including a speaker (6), the bezel housing portion includes a

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through aperture (4, 10) generally aligned with the speaker, the audio cover member (col. 3 lines 22-25, alternate embodiments figs. 2-7) includes a through port for being aligned between the speaker and housing portion through aperture, and the channels (7) include recesses formed in the audio cover member for releasing excessive sound pressure.

Regarding claim 23, Holmberg teaches the electronic communication device of claim 22 wherein the audio cover member (col. 3 lines 22-25, alternate embodiments figs. 2-7) includes seals extending about the port and recesses with portions of the recesses unsealed for sound pressure release therefrom.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmberg in view of the Prior Art of Holmberg (col. 1 line 10 through col. 2 line 6).

Regarding claims 10-11, Holmberg fails to teach the device of claim 1 including low and high audio speakers with the audio channel associated with the low audio speaker.

The prior art of Holmberg teaches the device of claim 1 including low and high audio speakers with the audio channel associated with the low audio speaker (7, 10; col. 1 lines 62-64 and col. 3 lines 13-22) for remote and close hearing of a call. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include low and high audio speakers in the invention of Holmberg as taught by the prior art for the reason stated.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


**Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
P O Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**  
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

**Hand-delivered responses should be brought to:**  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

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September 11, 2007  
PLD 

  
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PATENT EXAMINER  
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